

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SAFECO INSURANCE COMPANIES,

Plaintiff,

v.

NEW ENGLAND FOUNDATION  
COMPANY, INC., PATRICK A. O'NEILL,  
and PATRICIA E. O'NEILL,

Defendants.

CIVIL ACTION NO. 1:04-CV-10989-NMG

**PLAINTIFF'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)**

Pursuant to Local Rule 16.1(D)(3), the undersigned counsel and representative of Safeco Insurance Companies hereby certify that they have conferred with a view to (a) establishing a budget for the costs of conducting the full course of litigation, and (b) considering the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 of the District of Massachusetts Local Rules.

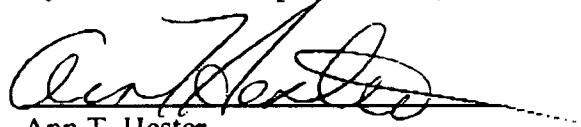
Respectfully submitted:

SAFECO INSURANCE COMPANIES  
By its attorneys,

/s/ Dwight T. Burns, III  
Bert J. Capone, BBO#072880  
Dwight T. Burns, III, BBO#637514  
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Dated: August 11, 2005

SAFECO INSURANCE COMPANIES  
By its authorized representative,

  
Ann T. Hester  
Senior Claims Representative  
Safeco Insurance Companies  
Midwest Region Office  
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